

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sophia Manuel	Team: Squad #16	CCRB Case #: 201405162	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/20/2014 11:00 PM	Location of Incident: § 87(2)(b); En route to the 48th Precinct stationhouse	Precinct: 48	18 Mo. SOL 11/20/2015	EO SOL 11/20/2015	
Date/Time CV Reported Wed, 05/21/2014 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/27/2014 5:19 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Gelono Joshua	03365	930442	PBBX
2. POM Joseph Murray	06464	934018	048 PCT
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Rothschild	31315	954300	PBBX
2. POF Stephanie Castillo	30685	953737	PBBX
3. CPT Keith Walton	00000	917193	PBBX
4. LT Timothy Conlon	00000	929929	048 PCT
5. POM Joseph Castaldo	15457	938189	048 PCT
6. SGT James Rodenas	04602	920770	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Gelono Joshua	Abuse: At § 87(2)(b) in the Bronx, Sgt. Gelono Joshua threatened to arrest § 87(2)(b) and individuals.	
B.SGT Gelono Joshua	Discourtesy: At § 87(2)(b) in the Bronx, Sgt. Gelono Joshua spoke rudely to § 87(2)(b) and individuals.	
C.SGT Gelono Joshua	Force: At § 87(2)(b) in the Bronx, Sgt. Gelono Joshua used physical force against § 87(2)(b)	
D.SGT Gelono Joshua	Force: At § 87(2)(b) in the Bronx, Sgt. Gelono Joshua used physical force against § 87(2)(b) § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
E.SGT Gelono Joshua	Force: At § 87(2)(b) in the Bronx, Sgt. Gelono Joshua used physical force against § 87(2)(b)	
F.POM Joseph Murray	Force: At § 87(2)(b) in the Bronx and en route to the 48th Precinct stationhouse, PO Joseph Murray used physical force against § 87(2)(b)	
G. Officers	Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	
	§ 87(4-b), § 87(2)(g)	

Case Summary

On May 20, 2014, at approximately 11:00 p.m., § 87(2)(b) was with his relatives and neighbors in front of his apartment building, located at § 87(2)(b) in the Bronx. The group of people included § 87(2)(b) § 87(2)(b)'s brother), § 87(2)(b) (his sister), § 87(2)(b) (his mother), § 87(2)(b) (his neighbor), § 87(2)(b) (his friend), § 87(2)(b) (his friend), and § 87(2)(b) (a friend of § 87(2)(b) Sgt. Gelano Joshua and PO Stephanie Castillo of Patrol Borough Bronx Impact approached the group and told them to leave the area. Sgt. Joshua allegedly said that they would be arrested if they did not leave and told them to, "Get the fuck out of here" (**Allegations A and B**). § 87(2)(b) protested that he did not have to leave. Sgt. Joshua allegedly pushed § 87(2)(b)'s chest with both hands and then repeatedly punched his face, causing a laceration to § 87(2)(b)'s forehead (**Allegation C**). § 87(2)(b) began punching Sgt. Joshua's face, and a fight ensued. § 87(2)(b) and § 87(2)(b) § 87(2)(b) tried to separate them. Sgt. Joshua allegedly pushed, punched, or slapped § 87(2)(b) causing her to fall to the ground (**Allegation D**). § 87(2)(b) fled into his apartment. The family and neighbors stood on the steps to the building, preventing Sgt. Joshua from entering. Sgt. Joshua allegedly pulled § 87(2)(b) off the stairs, causing her to fall and scrape her knee (**Allegation E**). Additional units arrived. Officers entered the building in search of § 87(2)(b) but could not find him. PO Joseph Murray and unidentified officers allegedly hit, punched, and kicked § 87(2)(b) (**Allegations F and G**). § 87(2)(b) was handcuffed and transported to the 48th Precinct stationhouse, where he was released with summonses for § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) were treated at § 87(2)(b) (encl. Privileged Folder). § 87(2)(b) filed a complaint with IAB, and IAB investigators interviewed the family at the hospital that day. PO Michael Rothschild then arrested § 87(2)(b) at the hospital for § 87(2)(b) (arrest report encl. 137-139; IAB log and report encl. 15-20; 146-185; CCRB complaint encl. 21-24). Video footage was obtained from the cell phone of a neighbor, § 87(2)(b) and from security cameras § 87(2)(b) video attached to IA #33; security footage attached to IA #80, 81, 82 must be copied to drive to view; video summaries encl. 25-27).

This case was originally assigned to Inv. Andrew Guinan. It was reassigned to Inv. Ben Gilmore on December 18, 2014, following Inv. Guinan's resignation from the CCRB. The case was reassigned again to Inv. Sophia Manuel on March 12, 2015, § 87(2)(g).

Mediation, Civil and Criminal Histories

This case was not eligible for mediation. § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim regarding this incident (encl. 242) [§ 87(2)(b)].

CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (encl. 2-6b).
- Sgt. Joshua has been a member of the NYPD for 12 years and has been the subject of 7 allegations in 5 past CCRB cases. None of the allegations were substantiated, § 87(2)(g) (encl. 1):
 - In case 200514579, an allegation that he hit someone with a door was unfounded.
 - In case 201113949, an allegation that he pushed someone was unfounded.
 - In case 201402433, an allegation that he fought someone was unsubstantiated.
- PO Joseph Murray has been a member of the NYPD for 11 years and has been the subject of 10 allegations in 6 CCRB cases. None of the allegations were substantiated, § 87(2)(g) (encl. 1a):
 - In case 20104885, allegations that he punched someone and struck him with an asp were closed as victim uncooperative.
 - In case 201009350, an allegation that he punched someone was closed as complainant uncooperative.
 - In case 201102095, an allegation that he shoved someone was exonerated and an allegation that he hit someone's head against a vehicle was unfounded.
 - In case 201206420, allegations that he struck someone with a baton and shoved him were unsubstantiated.

Other Evidence

Video 1 (provided by § 87(2)(b) and attached to IA #33)

- 00:00:00: Sgt. Joshua, PO Castillo, § 87(2)(b) and § 87(2)(b) are in the street. Sgt. Joshua pulls § 87(2)(b) as § 87(2)(b) swings his arm towards Sgt. Joshua's head. § 87(2)(b) hits Sgt. Joshua's head repeatedly with a plastic bottle. He backs away, but appears to pull § 87(2)(b)'s shirt towards him. The image is dark and unclear.
- 00:00:07: § 87(2)(b) shouts, "You fucking hit him first, my nigger." PO Castillo speaks into her radio. § 87(2)(b) and § 87(2)(b) go towards where Sgt. Joshua is struggling with § 87(2)(b). The image is shaky.
- 00:00:13: The image becomes clearer and § 87(2)(b) can be seen hugging Sgt. Joshua's head to his chest. PO Castillo pulls on Sgt. Joshua's arm. The image becomes blurry.
- 00:00:27: § 87(2)(b) shouts, "You broke his face, my nigger. I got it on video."
- 00:00:30: § 87(2)(b) follows § 87(2)(b) up the stairs to the building. He goes inside, and she turns to face the sidewalk. Many people walk up the stairs. Sgt. Joshua tries to climb the stairs, but § 87(2)(b) and others put their arms out to block him. The camera moves around as some sort of brief commotion occurs.
- 00:01:12: Sgt. Joshua and PO Castillo stand on the sidewalk. People on the steps yell at them. Sgt. Joshua tries to get on the stairs again.
- 00:01:30: PO Castaldo and PO Murray appear. Then more officers come and climb the stairs.
- 00:02:45: Officers crowd around § 87(2)(b) who is against the building and out of view. The video ends.

Video 2 (surveillance footage of the inside of building, attached to IA #80, copy to drive to view)

- Various civilians walk in and out of view, including § 87(2)(b) who wears a red shirt.

Video 3 (surveillance footage of the front of building, attached to IA #81, copy to drive to view)

- At 11:00 p.m., four people are seated and standing on the stairs and beside the stairs to the building. There is a table next to the stairs. Several people arrive. By 11:15 p.m., there are approximately 10 people in front of the building, either on the stoop, beside the stoop, or leaning against or standing beside parked cars. Although the group always leaves space for pedestrians to walk down the sidewalk, the people on the stoop would be in the way of anyone trying to enter or exit the building.
- At 11:16 p.m., a police car double-parks. Sgt. Joshua and PO Castillo exit and walk towards the group in front of the building. Sgt. Joshua talks to the people playing dominos at the table. The people seated around the table stand up. A woman approaches the officers and speaks with them.
- At 11:18 p.m., several people push § 87(2)(b) out of view. Sgt. Joshua then hurriedly walks out of view in § 87(2)(b)'s direction, as if going after him. PO Castillo follows. Most of the group gets up and follows them out of view.
- At 11:19 p.m., many people stand on the steps of the building. Sgt. Joshua walks towards the steps. § 87(2)(b) pulls him back. He tries to walk up the stairs, followed by PO Castillo, but people on the stairs block his path. Approximately 15 people surround the officers on the sidewalk. There appears to be some back and forth tugging, with Sgt. Joshua trying to get on the stairs and people pulling him back and blocking his path. Sgt. Joshua pushes forward with his right hand several times.
- At 11:20 p.m., Sgt. Joshua and PO Castillo are still on the sidewalk. Sgt. Joshua is pointing and gesturing as if he is yelling at the people on the stairs. More officers arrive. Several walk through the crowd, up the stairs, to the door of the building. They are forced back down the stairs by the crowd. They walk back up and enter the building. Meanwhile, one officer escorts several people to stand against the wall beside the stairs.
- At 11:21 p.m., PO Murray grabs § 87(2)(b)'s arm. He gets § 87(2)(b)'s arms behind his back and walks him to the other side of the stairs, to the wall where two officers are keeping people back. Two officers push § 87(2)(b) against the wall. He is out of view, but there is evidently some sort of struggle between several officers and § 87(2)(b). Then they pull him off the wall. He is bent over. Then they push him towards the wall again. Then they pull him off the wall and walk him out of view.
- At 11:22 p.m., Cpt. Keith Walton enters the building. All officers exit the building.

Video 4 (surveillance footage inside the front door, attached to IA #82, copy to drive to view)

- At 11:00 p.m., people are seated on the stairs in front of the building.
- Officers can be seen in front of the building at 11:18 p.m.
- At 11:19 p.m., § 87(2)(b) walks inside. Blood streams down his face. His shirt is torn. There is movement in front of the door, but it is not possible to see what is happening clearly.
- At 11:20 p.m., § 87(2)(b) exits the building. § 87(2)(b) opens the front door. A civilian and a white male officer in uniform with glasses and arm tattoos walk inside. The officer stops at the threshold and turns around, apparently distracted by something happening outside. There appears to be a struggle with officers and civilians, but it is not possible to see what is happening, except for the movement of shoulders. Fifteen to twenty officers in uniform and plainclothes enter the building. Then they exit the building and drive away.
- At 11:27 p.m., a man brings in the domino table.
- At 11:30:10, several people pick up § 87(2)(b) and carry her into the building.

Investigative Findings and Recommendations

Allegations Not Pleaded

- **Force:** § 87(2)(b) alleged that a uniformed, white, male officer in his thirties, with an average build and glasses, stopped § 87(2)(b) pulled him aside, and slapped him six times before officers placed him in a prisoner van. Although PO Joseph Castaldo closely fits this description, § 87(2)(b) attributed all these actions to PO Murray.
- **Force:** § 87(2)(b) and § 87(2)(b) alleged that a heavy-set, Hispanic male officer slapped § 87(2)(b) while he sat in the police van at the scene. § 87(2)(b) did not make this allegation.
- **Discourtesy:** § 87(2)(b) alleged that multiple officers said, “Shut the fuck up,” to § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) did not make this allegation.

Officer Identification

- Sgt. Joshua acknowledged telling the group to leave and fighting with § 87(2)(b) § 87(2)(b) and § 87(2)(b) alleged that the same officer who fought § 87(2)(b) also used physical force against them. § 87(2)(g)
- § 87(2)(b) alleged that a tall, bald, white male officer in uniform used physical force against him. He said that this officer was in the marked van with him while a shorter, white male officer in uniform with black hair drove him to the stationhouse. PO Joseph Castaldo’s memo book indicates that he transported § 87(2)(b) to the stationhouse in a marked van and that he was partnered with PO Murray. PO Castaldo is a 5’8” tall, white male with brown hair and glasses. PO Murray is a 6’3” tall, bald, white male. PO Murray did not have any memo book entries about or recollection of the incident, but acknowledged being partnered with PO Castaldo and assigned to a marked van. He looks the same as the officer who enters the scene with PO Castaldo in § 87(2)(b)’s video. § 87(2)(g)
- § 87(2)(b) alleged that multiple officers, who he could not describe, used physical force against him during his apprehension. Witnesses also could not describe these officers, though one witness misattributed PO Murray’s actions to PO Castaldo. No officers could identify the officers who apprehended § 87(2)(b) The video footage was not clear enough to support identification. § 87(2)(g)

Allegation A – Abuse of Authority: At § 87(2)(b) § 87(2)(b) in the Bronx, Sgt. Gelano Joshua threatened to arrest § 87(2)(b) and individuals.

Allegation B – Discourtesy: At § 87(2)(b) § 87(2)(b) in the Bronx, Sgt. Gelano Joshua spoke rudely to § 87(2)(b) and individuals.

It is undisputed that approximately twenty people were sitting and standing in front of the building without alcohol, marijuana, or music. It is also undisputed that Sgt. Joshua instructed them to disperse § 87(2)(g)

§ 87(2)(b) told IAB and the CCRB that Sgt. Joshua approached § 87(2)(b)’s family and friends and said that the police had received a noise complaint about them. § 87(2)(b) said that they were being quiet. Sgt. Joshua replied, “Pack up and get the fuck out of here. Move. You have to leave” (encl. 37-52). Similarly, § 87(2)(b) told the CCRB, but not IAB, that when he told Sgt. Joshua that they were being quiet, Sgt. Joshua replied, “Get the hell out of the area” (encl. 28-36). § 87(2)(b) who was playing dominoes with the § 87(2)(b) family in

front of the building, testified that Sgt. Joshua said, “Get the fuck out of here. Move. We don’t like you all on the side. We’ve been getting too many complaints and phone calls” (encl. 60-64). § 87(2)(b) and § 87(2)(b) said that no one was making excessive noise. They did not allege a threat of arrest.

§ 87(2)(b) did not say that Sgt. Joshua used profanity. He alleged that Sgt. Joshua said that if they do not disperse, “We’re gonna lock everybody up.” § 87(2)(b) said that the group was not making excessive noise (encl. 91-94).

§ 87(2)(b) and § 87(2)(b) described conversation in which Sgt. Joshua told everyone to leave, but they did not allege that Sgt. Joshua used profanity or threatened to arrest anyone (encl. 53-59; 79-85; 96-99). § 87(2)(b) and § 87(2)(b) did not witness this part of the incident (encl. 66-78; 86-90; 99a).

Sgt. Joshua testified that the group of people were making “a little bit of noise.” There was no complaint about them, but he wanted them to disperse before they began drinking and became loud and because they spanning the width of the sidewalk. He denied using profanity or threat of arrest (encl. 110-118). PO Castillo testified that she and Sgt. Joshua asked the group to go home. She did not say whether Sgt. Joshua used profanity or threat of arrest (encl. 101-109).

The surveillance video footage of this part of the incident does not have audio, but it shows that, prior to the fight between Sgt. Joshua and § 87(2)(b) there was always space on the sidewalk for pedestrians to pass (encl. 25-27).

Under PL §240.20(5)(6), a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: he obstructs vehicular or pedestrian traffic or he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse. The definition of “public place” is a place to which the public or a substantial group of person has access, including hallways, lobbies, and other portions of apartment houses not constituting rooms or apartments designed for actual residence (encl. F-G).

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Allegation C – Force: At § 87(2)(b) in the Bronx, Sgt. Gelano Joshua used physical force against § 87(2)(b)

It is undisputed that Sgt. Joshua punched § 87(2)(b) s face multiple times. § 87(2)(g) § 87(2)(b) told IAB and the CCRB that § 87(2)(b) told him to move and pushed him away from the officers. He protested that he did not have to leave. Sgt. Joshua walked towards § 87(2)(b) and, without saying anything, pushed § 87(2)(b) s chest. Sgt. Joshua immediately punched § 87(2)(b) s face, causing a laceration to § 87(2)(b) s forehead. He put his hands up and asked, “What are you doing?” as Sgt. Joshua

continued punching him. Sgt. Joshua stepped backwards off the curb and fell into the street, pulling § 87(2)(b) down with him by his collar, which left scratches to § 87(2)(b)'s neck. They stood up, and Sgt. Joshua punched § 87(2)(b)'s face. § 87(2)(b) did not think that Sgt. Joshua was attempting to arrest him because Sgt. Joshua did not remove his handcuffs. § 87(2)(b) began punching Sgt. Joshua's face. They fought, and § 87(2)(b) and § 87(2)(b) tried to intervene. Eventually, § 87(2)(b) fled into his apartment, where he lost consciousness (statements incl. 37-41; photos of injuries incl. 42-52; 174-176). He went to § 87(2)(b), where he received sutures for a laceration on his forehead. He had facial swelling and multiple abrasions to his left shoulder and face (encl. Privileged Folder).

§ 87(2)(g)

§ 87(2)(b) said that when Sgt. Joshua approached § 87(2)(b) he said, "I'm gonna lock you up," and took out his handcuffs. Sgt. Joshua then began punching § 87(2)(b) repeatedly, without attempting to handcuff him (encl. 28-36). § 87(2)(b) said that prior to punching § 87(2)(b) Sgt. Joshua said to him, "What did you call me?" He walked up to § 87(2)(b) and asked, "What did you say?" § 87(2)(b) did not respond, and Sgt. Joshua punched him in the face repeatedly (encl. 91-94).

§ 87(2)(b) and § 87(2)(b) did not witness this part of the incident (encl. 65-78; 86-90; 99a).

Sgt. Joshua told IAB and the CCRB that § 87(2)(b) protested that he did not have to leave, saying, "Fuck that. It's a free country." Sgt. Joshua said, "Alright, sir. Go ahead. Keep going." Other people were beginning to disperse, but § 87(2)(b) turned to § 87(2)(b) and said, "Man, fuck that nigger." Sgt. Joshua decided to arrest § 87(2)(b) for disorderly conduct: refusal to disperse. He told § 87(2)(b) that he was under arrest and pulled one arm behind § 87(2)(b)'s back. § 87(2)(b) pulled away and swung his fist towards Sgt. Joshua's head. Sgt. Joshua moved out of the way, and § 87(2)(b) did not make contact. Sgt. Joshua immediately punched § 87(2)(b) in the face in self-defense and to regain control of § 87(2)(b)'s arm to handcuff him. Sgt. Joshua did not have time to reach for his mace or baton. § 87(2)(b) punched Sgt. Joshua's face, and he punched back. They fought. At some point, Sgt. Joshua fell to the ground and § 87(2)(b) escaped into his apartment. Sgt. Joshua sustained bruises to his face from being punched and pain to his back and hand from falling. He was treated at § 87(2)(b) and went Line of Duty (encl. 110-118).

PO Castillo was looking away when the fight began. She did not see or hear what prompted it or who struck first (encl. 101-109).

§ 87(2)(b)'s video begins after the start of the fight. With the shaking camera and people blocking the view, it is not possible to see exactly what is happening, though at one point § 87(2)(b)'s arm swings towards Sgt. Joshua's head and later § 87(2)(b) squeezes Sgt. Joshua's head to his chest. § 87(2)(b) shouts at Sgt. Gelano, "You hit him first." PO Castillo stands beside Sgt. Joshua throughout, and takes no action besides pulling on his arm and talking into her radio. Surveillance footage shows Sgt. Joshua talking to the group and then walking hurriedly out of view, presumably towards § 87(2)(b) (encl. 25-27).

Patrol Guide procedure 203-11 states that only the minimum amount of force necessary to overcome resistance may be used to effect an arrest (encl. A-B).

§ 87(2)(g)

[REDACTED]

Allegation D – Force: At § 87(2)(b) in the Bronx, Sgt. Gelano Joshua used physical force against § 87(2)(b)

It is clear in the video that § 87(2)(b) repeatedly struck Sgt. Joshua’s head with a water bottle § 87(2)(g)

§ 87(2)(b) told IAB that Sgt. Joshua punched the right side of her face and pushed her to the ground (encl. 53). She told the CCRB that while Sgt. Joshua was fighting with § 87(2)(b) she squirted water in Sgt. Joshua’s face. He then slapped her right cheek with an open palm, causing her to fall to the ground and fracture her spine (encl. 54-59). § 87(2)(b) provided photos, which show a red spot on her face (encl. 49). She went to § 87(2)(b) and told medical personnel that she tried to break up an altercation with police, when she was pushed down and hit in the face. She reported pain to the right side of her face, lower back, and left leg. She was diagnosed with was a mild compression deformity to the thoracic spine and a possible hematoma lateral to the spine (encl. Privileged Folder).

Only § 87(2)(b) corroborated § 87(2)(b)’s allegation that Sgt. Joshua used force against her during the fight with § 87(2)(b). He said that § 87(2)(b) struck Sgt. Joshua with a water bottle, and then Sgt. Joshua slapped her in the face. He did not say whether she fell (encl. 60-64). § 87(2)(b) and § 87(2)(b) testified that Sgt. Joshua pulled § 87(2)(b) off the stairs, though she did not make this allegation. Only § 87(2)(b) and § 87(2)(b) said she fell to the ground (encl. 28-35; 60-72). § 87(2)(b) said that Sgt. Joshua pushed § 87(2)(b) as he attempted to access the building (encl. 79-85). § 87(2)(b) and § 87(2)(b) did not allege that Sgt. Joshua used force against § 87(2)(b) (encl. 91-99).

Sgt. Joshua did not recall being struck with the plastic bottle, even after viewing the video. He denied pushing anyone or seeing anyone fall to the ground (encl. 111-118). In his IAB interview, he also denied punching § 87(2)(b) or pushing her to the ground (encl. 110).

PO Castillo said no one fell to the ground during the fight besides Sgt. Joshua (encl. 101-109). PO Castaldo and PO Murray, who were the first back-up officers to appear in any video, had no recollection of the incident (encl. 119-123e).

§ 87(2)(b)'s video shows § 87(2)(b) hitting Sgt. Joshua with a water bottle. It does not show Sgt. Joshua hitting or pushing her. It does not show her falling to the ground. Surveillance footage shows § 87(2)(b) pulling on Sgt. Joshua as he attempts to climb the stairs. It does not show Sgt. Joshua pushing or pulling on her (encl. 25-27).

Allegation E – Force: At § 87(2)(b) in the Bronx, Sgt. Gelano Joshua used physical force against § 87(2)(b).

§ 87(2)(b) told IAB and the CCRB that she blocked Sgt. Joshua from climbing the steps. He tried to go around her, but she moved her body back and forth to block his path. He grabbed her hand and pulled her to the sidewalk. She fell to the ground and skinned her knee (encl. 95-99). Her family and IAB provided photos of the abrasion to her knee (encl. 48; 172).

Sgt. Joshua testified that when § 87(2)(b) fled into the building, Sgt. Joshua tried to follow him inside to arrest him, but multiple people stood on the stairs and prevented him from entering. Some people pushed him off the stairs, but he denied pushing anyone or having any physical response to being pushed. He did not make physical contact with people as he tried to get around them. He denied seeing anyone fall to the ground (encl. 111-118). In his IAB interview, he denied pushing § 87(2)(b) to the ground (encl. 110).

PO Castaldo and PO Murray, who were the first back-up officers to appear in any video, had no recollection of the incident (encl. 119-123e).

§ 87(2)(b) s video shows many people standing on the stairs, blocking Sgt. Joshua, who tries to climb the stairs. Some sort of commotion occurs out of view. Surveillance footage shows § 87(2)(b) pulling on Sgt. Joshua as he attempts to climb the stairs. It does not show Sgt. Joshua pushing or pulling on § 87(2)(b) or § 87(2)(b) (encl. 25-27).

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Allegation F – Force: At § 87(2)(b) and en route to the 48th Precinct stationhouse, PO Joseph Murray used physical force against § 87(2)(b)

Allegation G – Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)

§ 87(2)(g)
§ 87(2)(b) who currently resides in Pennsylvania and did not return the verification form, stated that he exited the building to find officers fighting with many civilians. He stood at the top of the stairs for about 30 seconds. He did not say anything to officers and they did not issue him any instructions. PO Murray then pulled him off the steps and onto the sidewalk. § 87(2)(b) pushed PO Murray's side to get PO Murray off of him. He asked why he was being arrested. PO Murray pushed him against a gate. § 87(2)(b) knelt down. PO Murray and approximately 9 officers surrounded him. PO Murray and an unknown number of officers punched and kicked him repeatedly. § 87(2)(b) kept his head down and could not see which officers were hitting him. The officers brought him to the ground and handcuffed him. He did not resist. They put him in a marked van without searching him. PO Castaldo drove him and PO Murray to the 48th Precinct stationhouse. On the way, they stopped under a bridge and PO Murray asked if he had anything on him. He said he had a blunt in his pocket. PO Murray removed the blunt and asked if he was scared. He said no, and PO Murray smacked him, causing his head to hit the window. He did not sustain any injuries (encl. 99a).

§ 87(2)(b) testified that § 87(2)(b) exited the building and walked down the stairs. PO Murray said, "Get out of the way." § 87(2)(b) replied, "Get out of my face, nigger. Don't say anything to me." PO Murray told § 87(2)(b) not to call him, "nigger." Officers grabbed § 87(2)(b) and pushed him against a wall. He ended up on the ground, but § 87(2)(b) did not see how. She did not see any officer strike him, but she was more focused on § 87(2)(b) at the time of his apprehension (encl. 79-85).

§ 87(2)(b) saw § 87(2)(b) standing beside the apartment building. An officer told people to leave, so § 87(2)(b) began walking away. An officer, who was identified by the CCRB as PO Murray but who § 87(2)(b) described as fitting PO Castaldo's description, pulled § 87(2)(b) to the side and slapped his face six times. Officers placed him in a police van, where a different, unidentified officer also slapped his face (encl. 91-94).

§ 87(2)(b) said a heavy, Hispanic male officer jumped on § 87(2)(b) causing him to fall to the ground, where a different officer handcuffed him. This officer placed § 87(2)(b) in a police van and slapped him. No other officer used force against him (encl. 60-

64). When § 87(2)(b) first saw § 87(2)(b) he was lying on the ground, being handcuffed. Officers put him in a police van, where an officer (who § 87(2)(b) could not describe) struck § 87(2)(b) § 87(2)(b) (encl. 66-72). § 87(2)(b) did not allege that an officer struck him in the police van on the scene.

§ 87(2)(b) alleged that multiple officers in uniform and plainclothes slammed § 87(2)(b) § 87(2)(b)'s head against a gate when he was in handcuffs (encl. 73-78). § 87(2)(b) did not allege that officers slammed his head against a gate.

§ 87(2)(b) and § 87(2)(b) did not mention § 87(2)(b) § 87(2)(b)'s arrest (encl. 28-59; 95-99).

PO Murray had no memo book entries about or recollection of the incident. His memo book says his tour ended at 11:35 p.m. (encl. 123a-e). PO Castaldo's memo book indicates that he and PO Murray transported a prisoner from § 87(2)(b) § 87(2)(b) to the 48th Precinct at 11:55 p.m., but he had no recollection of the incident (encl. 119-123).

PO Castillo said that she and two unidentified sector officers told § 87(2)(b) § 87(2)(b) to move back because he was standing on the sidewalk, where a crime scene was developing. § 87(2)(b) § 87(2)(b) refused, and was given a § 87(2)(b) summons. He did not have identification, so he was handcuffed and transported to the stationhouse. PO Castillo did not recall officers having difficulty handcuffing him. She did not recall which officers were involved in his apprehension and did not recall whether any officer slapped him (encl. 101-109).

Sgt. Joshua was inside the building during § 87(2)(b) § 87(2)(b)'s apprehension. When he exited, § 87(2)(b) § 87(2)(b) was standing in handcuffs. Sgt. Joshua did not see any officer use physical force against him (encl. 110-118).

Surveillance footage depicts PO Murray pull § 87(2)(b) § 87(2)(b) from one side of the staircase to the other side. Prior to being pulled, § 87(2)(b) § 87(2)(b) cannot be seen, due to the large crowd. PO Murray pushes him into the gate. Many officers, whose features are unclear, bend down over § 87(2)(b) § 87(2)(b) who is out of view, but who must have gone to the ground. Besides the push, no physical force is visible in the video because he is out of view (encl. 25-27).

§ 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g)

§ 87(2)(g) § 87(2)(g) § 87(2)(g)

§ 87(4-b), § 87(2)(g) § 87(4-b), § 87(2)(g) § 87(4-b), § 87(2)(g) § 87(4-b), § 87(2)(g) § 87(4-b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date